



1 MICHAEL P. LOWRY, ESQ.  
2 Nevada Bar No. 10666  
3 E-mail: [Michael.Lowry@wilsonelser.com](mailto:Michael.Lowry@wilsonelser.com)  
4 JONATHAN C. PATTILLO, ESQ.  
5 Nevada Bar No. 13929  
6 E-mail: [Jonathan.Pattillo@wilsonelser.com](mailto:Jonathan.Pattillo@wilsonelser.com)  
7 6689 Las Vegas Blvd. South, Suite 200  
8 Las Vegas, NV 89119  
9 Tel: 702.727.1400/Fax: 702.727.1401  
10 Attorneys for Keolis Transit Services, LLC

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Michael Tatum, an individual.

Case No.: 2:21-cv-444

Plaintiff,

vs.

**Keolis Transit Services, LLC's Petition  
for Removal**

Keolis Transit Services, LLC, a corporation; DOE  
DRIVER, an individual, DOE INDIVIDUALS I-X;  
ROE CORPORATIONS I-X,

Defendants.

Keolis Transit Services, LLC petitions to remove this case to the United States District Court for the District of Nevada from the Eighth Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. There are two named parties. Plaintiff alleges he is a resident of New York.<sup>1</sup> Keolis Transit Services, LLC is a wholly owned subsidiary of Keolis Transit America, Inc., a Delaware corporation with its principal place of business in Massachusetts.

---

<sup>1</sup> ECF No. 1-7 at ¶ 1.

1           The amount in controversy is also satisfied. On March 15, 2021 Plaintiff filed a  
 2 procedural motion in the state court indicating he sustained an injury to his right shoulder that  
 3 eventually required surgery and that his medical bills to date are at least \$27,692.62.<sup>2</sup> Prior cases  
 4 in this district have concluded damages in this range are sufficient to support diversity jurisdiction.  
 5 For instance, in *Doelamo v. Karl-Heinz* the defendant argued more than \$75,000 was in dispute  
 6 because plaintiff alleged “approximately \$22,000 in past medical damages, and he argues that it is  
 7 more likely than not that if Plaintiff is successful on his claims for lost wages, future medical  
 8 damages for his ‘permanent’ condition(s), past and future pain and suffering, and attorney’s fees,  
 9 he will recover more than \$75,000 total in the case.” This was sufficient to create subject matter  
 10 jurisdiction.

11           In the Court’s experience, a personal injury claim including \$22,000 in past medical  
 12 bills will normally include a plea to a jury for several times this amount in future  
 13 medical bills, particularly where one alleges a permanent condition related to the  
 14 injury. The Court can conclude this without even considering pain and suffering, lost  
 15 wages, or attorney’s fees. Considering those measures of damages and fees, as well, it  
 16 is nearly certain that Plaintiff in reality seeks more than \$75,000. The Court has little  
 17 doubt that Plaintiff will ask the jury to award him more than \$75,000, whether in this  
 18 Court or in state court.

19           In *Canonico v. Seals* the plaintiff conceded at least \$50,000 was in dispute due to past and  
 20 future medical treatment and property damage.<sup>3</sup> “The remaining question is whether more than  
 21 \$25,000 is at stake in the form of pain and suffering, loss of earning capacity, loss of enjoyment of  
 22 life, compensatory damages, attorney's fees, and costs. It almost certainly is.”

23           Keolis timely petitioned for removal within 30 days of receiving notice that more than  
 24 \$75,000 is disputed in this matter. Attached to this petition are copies of all process, pleadings,  
 25 and orders served upon Keolis in the state court action.

26           ///

27           ///

28           <sup>2</sup> ECF No. 1-10 at 2.

<sup>3</sup> No. 2:13-cv-00316, 2013 U.S. Dist. LEXIS 60047 (D. Nev. Apr. 25, 2013).

1 DATED this 17<sup>th</sup> day of March, 2021.



1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

BY: /s/ Michael P. Lowry  
MICHAEL P. LOWRY  
Nevada Bar No. 10666  
JONATHAN C. PATTILLO, ESQ.  
Nevada Bar No. 13929  
6689 Las Vegas Blvd. South, Suite 200  
Las Vegas, NV 89119  
Attorneys for Keolis Transit Services, LLC

### Certificate of Service

10 Pursuant to FRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman &  
11 Dicker LLP, and that on March 17, 2021, I served **Keolis Transit Services, LLC's Petition for**  
12 **Removal** as follows:

13  by placing same to be deposited for mailing in the United States Mail, in a sealed  
14 envelope upon which first class postage was prepaid in Las Vegas, Nevada;  
15  via electronic means by operation of the Court's electronic filing system, upon each  
16 party in this case who is registered as an electronic case filing user with the Clerk;

17 WALEED ZAMAN, ESQ.  
18 MICHAEL G. TRIPPIEDI, ESQ.  
2880 S. Jones Blvd., Suite 3  
Las Vegas, NV 89146  
Attorneys for Michael Tatum

20 BY: /s/ Michael Lowry  
21 An Employee of

